

1 BILL NO. G-89-12-02 (AS AMENDED)

2 GENERAL ORDINANCE NO. G- 28-89.

3 AN ORDINANCE AMENDING SECTION 11-1
4 OF THE CODE OF THE CITY OF FORT
WAYNE, INDIANA, OF 1974, AS
5 AMENDED.

6 WHEREAS, the City of Fort Wayne, through its various
7 departments and boards, annually makes public purchases of goods
8 and services from more than 2,000 vendors; and

9 WHEREAS, the dollar limitations for Council approval
10 have not been increased even though the state limits have been
11 increased; and

12 WHEREAS, I.C. 36-1-9-13 exempts from notice and bid
13 requirements material purchases made by the purchasing agent from
14 a supplier who has either a contract with the State of Indiana or
15 a federal agency which requires the supplier to make the material
16 available to polirical subdivisions;

17 WHEREAS, it is necessary to assure the compliance with
18 I.C. 36-1-9-1 et. seq. relating to public purchases and leases of
19 materials, and to ensure that procedures are established to
20 obtain the greatest economic value for the public funds expended.

21 NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF
22 THE CITY OF FORT WAYNE, INDIANA:

23 SECTION 1. That Section 11-1 of the Code of the City
24 of Fort Wayne, Indiana, of 1974, as amended, be amended as
25 follows:

26 (A) Purchasing Agent. The purchasing agent for the
27 City of Fort Wayne shall be the head of the Purchasing Department
28 for the City of Fort Wayne and shall be appointed by the City
29 Controller, subject to the approval of the Mayor.

30 (B) Duties and Powers. The head of the Purchasing
31 Department shall:

32 (1) Assume the duties, powers and
responsibilities assigned to a purchasing agent in I.C. 36-1-9
and to a disposing agent in I.C. 36-1-11.

(2) Act as the sole agent in obtaining materials,
supplies, equipment or contractual services for all City

departments and divisions, city-operated utility, or any board,
1 commissioner, officer or person otherwise empowered by law to
2 make purchases of materials, equipment, goods, supplies and
3 property of whatever description, except the Board of Works for
4 the City of Fort Wayne. Any such department or division shall
5 requisition such materials, supplies, equipment or services from
6 the purchasing agent who shall, upon determining that
7 appropriations are available for such purposes, acquire the items
8 requisitioned in accordance with
9 public purchase law. All contracts of purchase shall be made in
10 the name of the City department or division and be subject to the
11 approval of the department or division.

12 (3) Establish such purchasing and contractual
13 procedures as may best be suited to obtain the greatest economic
14 value to the City.

15 (4) Prepare specifications and notice to bidders
16 and see that the required notices are published, where bidding
17 and publication of notice are required by law.

18 (5) Cooperate and consult with the Controller for
19 the purpose of ensuring that adequate funds are available prior
20 to making necessary purchases and acquisitions to assure they are
21 within the limits of the budget appropriations of the department
22 or division in need of the material.

23 (6) Act as the agent of any executive department
24 to sell or exchange any personal property ordered to be sold by a
25 City department or division in accordance with procedures
26 prescribed by law.

27 C) Improper Purchases. Any purchase made in violation
28 of this ordinance or the purchasing procedures established by the
29 Purchasing Department shall be null and void.

30 (D) Approval or Ratification Required. Whenever the
31 Civil City of Fort Wayne, including any City-owned or operated
32 utility, makes any purchase exceeding TEN Thousand Dollars
(\$10,000.00) or enters into any lease or leases which exceed TEN
Thousand Dollars (\$10,000.00) per year, all such purchases and/or
leases shall be entered into with the prior approval or

subsequent ratification by the Common Council of the City of Fort
Wayne by ordinance or resolution duly passed by said Common
Council and approved by the Mayor of the City of Fort Wayne,
Indiana. All such contracts or agreements entered into without
such prior approval or subsequent ratification shall be null and
void.

(E) Exception. Materials, may be purchased in
accordance with I.C. 36-1-9-12 or I.C. 36-1-9-13 without Council
ratification or approval.

(F) Emergency Purchases, Leases. Upon declaration of
an emergency, the City Purchasing Agent may purchase repairs and
purchase or lease materials without giving notice, receiving bids
or obtaining Council approval, so long as the procedures outlined
in I.C. 36-1-9-11 are followed.

Janet G. Bradbury
Councilmember

AN ORDINANCE AMENDING SECTION 11-1 OF
THE CODE OF THE CITY OF FORT WAYNE,
INDIANA, OF 1974, AS AMENDED.

WHEREAS, the City of Fort Wayne, through its various departments and boards, annually makes public purchases of goods and services from more than 2,000 vendors; and

WHEREAS, the dollar limitations for Council approval have not been increased even though the state limits have been increased; and

WHEREAS, I.C. 36-1-9-13 exempts from notice and bid requirements material purchases made by the purchasing agent from a supplier who has either a contract with the State of Indiana or a federal agency which requires the supplier to make the material available to polical subdivisions;

WHEREAS, it is necessary to assure the compliance with I.C. 36-1-9-1 et. seq. relating to public purchases and leases of materials, and to ensure that procedures are established to obtain the greatest economic value for the public funds expended.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Section 11-1 of the Code of the City of Fort Wayne, Indiana, of 1974, as amended, be amended as follows:

(A) Purchasing Agent. The purchasing agent for the City of Fort Wayne shall be the head of the Purchasing Department for the City of Fort Wayne and shall be appointed by the City Controller, subject to the approval of the Mayor.

(B) Duties and Powers. The head of the Purchasing Department shall:

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1 (1) Assume the duties, powers and
2 responsibilities assigned to a purchasing agent in I.C. 36-1-9
3 and to a disposing agent in I.C. 36-1-11.

4 (2) Act as the sole agent in obtaining materials,
5 supplies, equipment or contractual services for all City
6 departments and divisions, city-operated utility, or any
7 board, commissioner, officer or person otherwise empowered by
8 law to make purchases of materials, equipment, goods, supplies
9 and property of whatever description, except the Board of
10 Works for the City of Fort Wayne. Any such department or
11 division shall requisition such materials, supplies, equipment
12 or services from the purchasing agent who shall, upon
13 determining that appropriations are available for such
14 purposes, acquire the items requisitioned in accordance with
15 public purchase law. All contracts of purchase shall be made
16 in the name of the City department or division and be subject
17 to the approval of the department or division.

18 (3) Establish such purchasing and contractual
19 procedures as may best be suited to obtain the greatest
20 economic value to the City.

21 (4) Prepare specifications and notice to bidders
22 and see that the required notices are published, where bidding
23 and publication of notice are required by law.

24 (5) Cooperate and consult with the Controller for
25 the purpose of ensuring that adequate funds are available
26 prior to making necessary purchases and acquisitions to assure
27 they are within the limits of the budget appropriations of the
28 department or division in need of the material.

29 (6) Act as the agent of any executive department
30 to sell or exchange any personal property ordered to be sold
31 by a City department or division in accordance with procedures
32 prescribed by law.

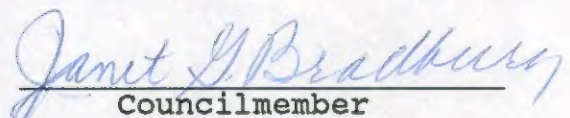
PAGE THREE

1 (C) Improper Purchases. Any purchase made in
2 violation of this ordinance or the purchasing procedures
3 established by the Purchasing Department shall be null and
4 void.

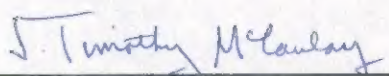
5 (D) Approval or Ratification Required. Whenever the
6 Civil City of Fort Wayne, including any City-owned or operated
7 utility, makes any purchase exceeding FIFTEEN Thousand Dollars
8 (\$15,000.00) or enters into any lease or leases which exceed
9 FIFTEEN Thousand Dollars (\$15,000.00) per year, all such
10 purchases and/or leases shall be entered into with the prior
11 approval or subsequent ratification by the Common Council of
12 the City of Fort Wayne by ordinance or resolution duly passed
13 by said Common Council and approved by the Mayor of the City
14 of Fort Wayne, Indiana. All such contracts or agreements
15 entered into without such prior approval or subsequent
16 ratification shall be null and void.

17 (E) Exception. Materials, may be purchased in
18 accordance with I.C. 36-1-9-12 or I.C. 36-1-9-13 without
19 Council ratification or approval.

20 (F) Emergency Purchases, Leases. Upon declaration of
21 an emergency, the City Purchasing Agent may purchase repairs
22 and purchase or lease materials without giving
23 notice, receiving bids or obtaining Council approval, so long
24 as the procedures outlined in I.C. 36-1-9-11 are followed.

25
26 
Councilmember

27
28 APPROVED AS TO FORM
AND LEGALITY

29
30 
31 J. Timothy McCaulay, City Attorney
32

Read the first time in full and on motion by Bradbury, seconded by Henry, and duly adopted, read the second time by title and referred to the Committee on Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Common Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on _____, the _____, day of _____, 19____, at _____ o'clock _____ M., E.S.T.

DATED: 12-12-89

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Gilman, seconded by Henry, and duly adopted, placed on its passage. PASSED LOST by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
<u>TOTAL VOTES</u>	<u>6</u>	<u>1</u>		<u>2</u>
<u>BRADBURY</u>				<u>✓</u>
<u>BURNS</u>		<u>✓</u>		
<u>EDMONDS</u>	<u>✓</u>			
<u>GiaQUINTA</u>				<u>✓</u>
<u>HENRY</u>	<u>✓</u>			
<u>LONG</u>	<u>✓</u>			
<u>REDD</u>	<u>✓</u>			
<u>SCHMIDT</u>	<u>✓</u>			
<u>TALARICO</u>	<u>✓</u>			

DATED: 12-26-89.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL) (ZONING MAP) ORDINANCE RESOLUTION NO. B-28-89. on the 26th day of December, 1989.

ATTEST:

(SEAL)

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Charles S. Reed
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th day of December, 1989. at the hour of 1:30 o'clock P M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 4th day of January, 1990, at the hour of 2:15 o'clock P M., E.S.T.

PAUL HELMKE
PAUL HELMKE, MAYOR

Admn. Appr. _____

DIGEST SHEET

(as amended)
89-12-02

TITLE OF ORDINANCE ORDINANCE

DEPARTMENT REQUESTING ORDINANCE CONTROLLER'S OFFICE

SYNOPSIS OF ORDINANCE 1. DESIGNATES HEAD OF PURCHASING DEPARTMENT

CITY "PURCHASING AGENT" AND "DISPOSING AGENT."

2. RAISES TO \$15,000 THE MAXIMUM PURCHASE

OR LEASE AMOUNT WHICH CAN BE MADE WITHOUT COUNCIL APPROVAL.

3. EXEMPTS FROM COUNCIL APPROVAL PURCHASES MADE

IN ACCORDANCE WITH I.C. 36-1-9-11, I.C. 36-1-9-12, and I.C. 36-1-9-13.

EFFECT OF PASSAGE REDUCE NUMBER OF PURCHASES WHICH REQUIRE COUNCIL

APPROVAL

EFFECT OF NON-PASSAGE NUMBER OF PURCHASES REQUIRING COUNCIL APPROVAL WILL

REMAIN THE SAME

MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS) _____

ASSIGNED TO COMMITTEE (PRESIDENT) _____

BILL NO. 8-89-12-02 *(as amended)* *Committee of the whole*

REPORT OF THE COMMITTEE ON REGULATIONS
(as amended.)

JANET G. BRADBURY, CHAIRPERSON
DAVID C. LONG, VICE CHAIRMAN
EDMONDS, SCHMIDT, TALARICO

to \$10,000

Committee of the whole

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS
REFERRED AN (ORDINANCE) (~~RESOLUTION~~) AMENDING SECTION 11-1
OF THE CODE OF THE CITY OF FORT WAYNE, INDIANA, OF 1974,
AS AMENDED

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) (~~RESOLUTION~~)

<u>DO PASS</u>	<u>DO NOT PASS</u>	<u>ABSTAIN</u>	<u>NO REC</u>
<i>Janet G. Bradbury</i>			
<i>David C. Long</i>			
<i>Edmonds</i>			
<i>Samuel J. Talarico</i>			

DATED: *12-26-89*

53 < 12 under \$15,000

*refresh on
Exception (E)
& Emer. Proc. (F)*

Sandra E. Kennedy
City Clerk
*70 of purchases
over 1/3*